

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

HARVEY PATRICK SHORT,
Plaintiff

*

*

v.

CIVIL ACTION NO. DKC-06-1692

*

ANGELA BEASLEY, et al.,
Defendants

*

MEMORANDUM

Plaintiff brings this pro se action against Assistant State's Attorney Angela Beasley and Maryland state court Judges Audrey E. Melbourne and William D. Missouri. He asserts jurisdiction under 42 U.S.C. § 1983. Mr. Short complains, among other things, that his state court criminal proceedings were mishandled and delayed and that he is dissatisfied with the conclusions reached by the state courts concerning his claims. Paper No. 1. Plaintiff asks that this court enter an order directing the state officials to hold a sentencing hearing. *Id.* He has filed a Motion for Leave to Proceed in Forma Pauperis, which shall be granted.

Because Plaintiff seeks to compel a certain action by the state and/or its agents, the court concludes that the present matter is in the nature of a writ of mandamus. *See* 28 U.S.C. § 1361. Federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. However, this federal district court has no mandamus jurisdiction over state employees and cannot compel the Maryland state courts to provide Petitioner a sentencing hearing.¹ *See Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 586-87 (4th Cir. 1969). Therefore,

¹The court makes no finding as to the availability of federal habeas corpus review under 28 U.S.C. § 2254.

Petitioner's request for mandamus relief shall be denied and a separate Order shall be entered reflecting the Opinion set forth herein.

Date: 8/11/06

/s/
DEBORAH K. CHASANOW
United States District Judge